

# Founding Legislation

The park's Founding Legislation is a federal law, drawn up by Congress and signed by the President, which forms the foundation for all the rules, regulations, laws, and policies of the park. The National Seashore's founding legislation was signed by President John F. Kennedy on September 28, 1962.

**Public Law 87-712**  
**87th Congress. S. 4**  
**September 28, 1962**

## AN ACT

To provide for the establishment of the Padre Island National Seashore.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped, the Secretary of the Interior shall take appropriate action in the public interest toward the establishment of the following described lands and waters as the Padre Island National Seashore: Beginning at a point one statute mile northerly of North Bird Island on the easterly line of the Intracoastal Waterway; thence due east to a point on Padre Island one statute mile west of the mean high water line of the Gulf of Mexico; thence southwesterly paralleling the said mean high water line of the Gulf of Mexico a distance of about three and five-tenths statute miles; thence due east to the two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey chart numbered 1286; thence along the said two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey charts numbered 1286, 1287, and 1288 to the Willacy-Cameron County line extended; thence westerly along said county line to a point 1,500 feet west of the mean high water line of the Gulf of Mexico as that line was determined by the survey of J. S. Boyles and is depicted on sections 9 and 10 of the map entitled "Survey of Padre Island made for the office of the Attorney General of the State of Texas", dated August 7 to 11, 1941, and August 11, 13, and 14, 1941, respectively; thence northerly along a line parallel to said survey line of J. S. Boyles and distant there from 1,500 feet west to a point on the centerline of the Port Mansfield Channel; thence westerly along said centerline to a point three statute miles west of the said two-fathom line; thence northerly parallel with said two-fathom line to 27 degrees 20 minutes north latitude; thence westerly along said latitude to the easterly line of the Intracoastal Waterway; thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

Padre Island National Seashore,  
Tex.  
Establishment.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the areas described in the first section of this Act or which lie within the boundaries of the seashore as established under section 3 of this Act (hereinafter referred to as "such area"). Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. Acquisition of land, etc.

(b) The Secretary is authorized to pay for any acquisitions which he makes by purchase under this Act their fair market value, as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him. 76 STAT. 650.  
76 STAT. 651.

(c) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 1 of this Act, that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish the area as a national seashore by the publication of notice thereof in the Federal Register. Publication in F. R.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send Notice, a copy of such notice, together with a map such boundaries, by registered or certified mail to the Governor of the State and to the governing body of each of the political subdivisions involved; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of the localities; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for the county involved.

SEC. 4. (a) When acquiring land, waters, or interests therein, the Secretary shall permit a reservation by the grantor of all or any part of the oil and gas minerals in such land or waters and of other minerals therein which can be removed by similar means, with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining or removal of such from beneath the surface of these lands and waters and the lands and waters adjacent thereto, under such regulations as may be prescribed by the Secretary with respect to such mining or removal.

(b) Any acquisition hereunder shall exclude and shall not diminish any right of occupation or use of the surface under grants, leases, or easements existing on April 11, 1961, which are reasonably necessary for the exploration, development, production, storing, processing, or transporting of oil and gas minerals that are removed from outside the boundaries of the national seashore and the Secretary may grant additional rights of occupation or use of the surface for the purposes aforesaid upon the terms and under such regulations as may be prescribed by him.

SEC. 5. Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service and for other purposes", approved August, 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 6. The Secretary may provide for roadways from the north and south boundaries of such public recreation area to the access highways from the mainland to Padre Island.

SEC. 7. The Secretary of the Interior shall enter into such administrative agreements with the Secretary of the Navy as the Secretary of the Navy may deem necessary to assure that the Secretary of the Interior will not exercise any authority granted by this Act so as to interfere with the use by the Department of the Navy of any aerial gunnery or bombing range located in the vicinity of Padre Island.      Gunnery or bombing ranges.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more \$5,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.      Appropriation.

Approved September 28. 1962, 12:40 p.m.

**Public Law 90-594**  
**90th Congress, H. R. 17787**  
**October 17, 1968**

82 STAT. 1155

**AN ACT**

To authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy the final judgment of \$6,810,380 (that is, \$9,212,730 minus \$2,402,350 deposited in all figures exclusive of amounts for tract No. 7) rendered against the United States in civil action numbered 65—C—54 in the United States District Court for the Southern District of Texas, for the acquisition of land and interests in land for the Padre Island National Seashore. The sums herein authorized to be appropriated shall be sufficient to pay the amount of said judgment, together with interest and costs as provided by law.      Padre Island National Seashore, Texas. Appropriation.

Approved October 17, 1968.

**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 1856 (Comm. on Interior and Insular Affairs).  
SENATE REPORT No. 1598 (Comm. on Interior and Insular Affairs).  
CONGRESSIONAL RECORD, Vol. 114 (1968):  
Sept. 16: Considered and passed House.  
Oct. 4: Considered and passed Senate.

**Public Law 91-42**  
**91st Congress, H. R. 11069**  
**July 11, 1969**

83 STAT. 45

**AN ACT**

To authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy the final net judgments rendered against the United States in civil action numbered 66—B—1 in the United States District Court for the Southern District of Texas, for the acquisition of lands and interests in land for the Padre Island National Seashore, totaling \$4,129,820.00, plus interest as provided by law.

Padre Island National Seashore, Texas.  
Appropriation.

Approved July 11, 1969.

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**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 91-305 (Comm. on Interior & Insular Affairs).  
SENATE REPORT No. 91-261 (Comm. on Interior & Insular Affairs).  
CONGRESSIONAL RECORD, Vol. 115 (1969):  
June 16: Considered and passed House.  
June 30: Considered and passed Senate.